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6 *and Plaintiff James M. Burns and*
7 *Proposed Lead Counsel for the Class*

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **SOUTHERN DIVISION**

11 DALTON PETRIE, individually and on
12 behalf of all others similarly situated,

13 Plaintiff,

14 vs.

15 ELECTRONIC GAME CARD, INC.,
LEE J. COLE, and LINDEN BOYNE,
16 and KEVIN DONOVAN,

17 Defendants.

No. SACV10-0252 DOC (RNBx)

**LEAD PLAINTIFF MOVANT
GAIL ASH'S NOTICE OF MOTION
FOR CONSOLIDATION,
APPOINTMENT AS LEAD
PLAINTIFF, AND APPROVAL OF
LEAD COUNSEL**

Date: June 7, 2010

Time: 8:30 a.m.

Courtroom: 9D, Santa Ana

Judge: Hon. David O. Carter

18 JAMES M. BURNS, individually and on
19 behalf of all others similarly situated,

20 Plaintiff,

21 vs.

22 ELECTRONIC GAME CARD, INC.,
LEE J. COLE, and LINDEN J. H.
23 BOYNE,

24 Defendants.

No. SACV10-0258 JVS (ANx)

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on June 7, 2010, at 8:30 a.m., or as soon as
 3 counsel may be heard, the undersigned will, on behalf of Gail Ash, move this Court
 4 before the Honorable David O. Carter, in the United States District Court for the
 5 Central District of California, Southern Division, Courtroom 9D, 411 West Fourth
 6 Street, Santa Ana, California 92701, pursuant to Federal Rule of Civil Procedure 42
 7 and Section 21D of the Securities Exchange Act of 1934, as amended by the Private
 8 Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, for an Order:

- 9 (1) consolidating the above-captioned actions and all other cases that are
 10 filed in this District involving one or more common questions of law or
 11 fact;
- 12 (2) appointing Gail Ash as Lead Plaintiff on behalf of the Class;
- 13 (3) approving Gail Ash's choice of counsel, Johnson Bottini, LLP, as Lead
 14 Counsel for the Class in the consolidated action; and
- 15 (4) granting such other and further relief as the Court deems just and
 16 proper.¹

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 24 ¹ Ms. Ash requests that the requirement of a pre-motion conference under Local
 25 Rule 7-3 be waived for two reasons. First, Ms. Ash does not know which other
 26 entities or persons plan to move for appointment as lead plaintiff until after all the
 27 movants have filed their motions. Second, Local Rule 7-3 may be inapplicable to
 28 motions for selection of lead plaintiff and approval of lead counsel because such
 motions are mandated by federal statute. *See* 15 U.S.C. § 78u-4, *et seq.* Accordingly,
 the Court should entertain this motion without requiring compliance with Local Rule
 7-3.

1 This Motion is based upon the Notice of Motion, the attached Memorandum of
2 Points and Authorities, the attached Declaration of Francis A. Bottini, Jr. with
3 exhibits, and upon all the papers, pleadings, and records on file in this action.

4 DATED: May 3, 2010

JOHNSON BOTTINI, LLP
FRANK J. JOHNSON (174882)
FRANCIS A. BOTTINI, JR. (175783)
KEITH M. COCHRAN (254346)

8
9 *s/ Francis A. Bottini, Jr.*
FRANCIS A. BOTTINI, JR.

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15 *Ash and Plaintiff James M. Burns and*
16 *Proposed Lead Counsel for the Class*